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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,860	10/25/2001	David E. Barker	33-XZ-6082	9981

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EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,860

Applicant(s)

BARKER ET AL.

Examiner

Fredrick C Conley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 11, 16, and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,186,641 to Foster.

In reference to claims 11 and 16, Foster discloses a table comprising:

a patient support surface 20 with opposed ends along a longitudinal axis with opposed sides transverse to said longitudinal axis;

a monitor 121 displaying medical information relating to a medical procedure;
and

a movable support member 123 having a first end mounted to said patient support surface and a second end mounted to said monitor, at least one of said ends being movable relative to a corresponding one of said monitor and patient support surface to move said monitor between a first and second viewing positions, said monitor facing one of said sides when in said first viewing position, said monitor facing one of said ends when in said second viewing positions (fig. 2).

Regarding claims 22-23, wherein said monitor is over said patient in said second predetermined position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-10, 12, 14-15, 17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 5,186,337 to Foster in view of U.S. Pat. No. 4,852,842 to O'Neill, and further in view of U.S. Pat. No. 5,187,641 to Muskatello et al.

In reference to claim 1, Foster discloses a patient table comprising:

a patient support surface 20 for supporting a patient during a medical procedure wherein said patient table comprises a patient support surface which will inherently support a patient in at least two examination positions for a medical procedure;

a base 17 supporting said patient support surface;

a monitor 121 displaying medical information relating to a medical procedure;

and

a pivot arm 123 having a first end connected to said base and a second end connected to said monitor, said pivot arm for releasably securing said monitor and said pivot arm at predetermined angular positions with respect to said base and capable of orienting said monitor in a first predetermined angular position parallel to the longitudinal axis of the table and another position at a second predetermined angular position perpendicular to the longitudinal axis of the table (fig. 1,2)(col. 6 lines 25-32).

Foster fails to disclose a pivot release member provided on one of said monitor. O'Neill discloses a pivot arm 20 having a pivot release member 134 provided on the pivot arm for releasably securing an appliance and said pivot arm at predetermined angular positions. It would have been obvious to employ a pivot arm having a release member in order to position the monitor relative to the patient support surface.

Regarding claim 2, wherein said pivot release member 134 is located on the end of said pivot arm 31 proximate to said monitor 30 (O'Neill).

Regarding claim 3, wherein said pivot release member 134 is located on the end of said pivot arm 31 ant to said base (O'Neill).

Regarding claim 4, wherein said pivot arm further comprises a fixed arm 38 connected to said first end of said pivot arm and to said base (O'Neill).

Regarding claim 5, wherein said pivot release member further comprises a hydraulic spring (col. 4 lines 39-40) for locking said pivot arm at said predefined angular positions.

Regarding claim 7, with regards to the patient table being employed as a urological table it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claim 9, wherein said patient table comprises a patient support surface which will support a patient in at least two examination positions, said pivot arm orienting said monitor at a predetermined angular position facing a side of the patient

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support surface and a second predetermined angular position facing an end of the patient support surface (col. 1-2 lines 67-68 & 1)(O'Neill).

Regarding claim 10, wherein said pivot arm is a moving mechanism (O'Neill).

Regarding claims 12 and 17, Foster discloses all of the Applicant's claimed limitations except for the movable support having a hydraulic spring. O'Neill discloses a movable support having a hydraulic spring (col. 4 lines 39-40)(O'Neill) for locking said movable support member at, at least, one of said first and second viewing positions. It would have been obvious to employ a hydraulic spring in the movable support of Foster in order to position the monitor relative the patient support.

Regarding claims 14 and 19, wherein said movable support member comprises a fixed arm 38 and a pivot arm (31,33)(O'Neill).

Regarding claim 15 and 20, wherein said urology table further comprises a releasable control 134 remotely located that releases said movable support member (O'Neill).

Regarding claim 17, wherein said movable support member further comprises a hydraulic spring (col. 4 lines 39-40) for locking said pivot arm at said predefined angular positions.

Regarding claim 19, wherein said pivot release member further comprises a hydraulic spring (col. 4 lines 39-40)(O'Neill) for locking said movable support member at, at least, one of said first and second viewing positions.

Regarding claim 20, wherein said movable support member comprises a fixed arm 38 and a pivot arm (31,33)(O'Neill).

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Regarding claim 21, wherein said monitor is over said patient in said second predetermined position.

Claims 6, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,186,337 to Foster in view of U.S. Pat. No. 4,852,842 O'Neill, and further in view of U.S. Pat. No. 5,398,622 to Lubinskas et al.

Regarding claim 6, 13, and 18, Foster, as modified discloses all of the Applicant's claimed limitations except for having a hydraulic line extending between said hydraulic spring. Lubinskas discloses an apparatus having a hydraulic line (74,75) extending between a hydraulic spring 55. It would have been obvious at the time of the invention to employ hydraulic lines in order to adjust the movable support.

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 9-23 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone numbers for the organization where this application or proceeding is assigned are 305-7687 for regular communications and 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2168.

FC

July 16, 2003